IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 16870 of 2007(G)

PETITIONERS:
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1. N.C.ABDULLAKUTTY, S/O. N.C.MOHAMMED,
ELLATH HOUSE, POST VATTOLI BAZAR VIA.,
BALUSSERY, CALICUT, L.P.S.A. CALICUT ORPHANAGE
L.P.SCHOOL, P.O.KOLATHARA, CALICUT.

2. P.V.HUSSAIN, U.P.S.A.,
ORPHANAGE UPPER PRIMARY SCHOOL, TIRURANGADI,
TIRURANGADI P.O., MALAPPURAM DISTRICT.

3. SHANAVAS T.H.,
J.L.T. ARABIC DEVADHAR L.P. SCHOOL, KARULAI P.O.,
NILAMBUR, MALAPPURAM DIST.

4. RADHIKA K., L.P.S.A.,
D.A.L.P. SCHOOL, PULLIYIL, NALLAMTHANNI P.O.,
MALAPPURAM DISTRICT.

5. BINCY P.T.,
L.P.S.A., DEVADHAR L.P. SCHOOL, KARULAI,
MALAPPURAM DIST.

BY ADV. SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, GENERAL EDUCATIONAL
DEPARTMENT, SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.16870 OF 2007

Dated this the 4th day of June, 2007

JUDGMENT

Petitioners who are primary school teachers working in various aided schools have got a common grievance. According to them, the period of leave availed of by them to pursue the B.Ed. course has not been reckoned for the purpose of granting service benefits to them. Petitioner no.1 was granted leave with effect from July 10, 2003 to March 31, 2004 as revealed from Ext.P1. Similarly, petitioner no.2 was granted leave with effect from May 5, 2003 to January 30, 2004. Ext.P3 is the order passed in favour of petitioner no.2. In the case of petitioner no.3 Ext.P5 order was passed granting him leave with effect from July 5, 2003 to January 30, 2004. Ext.P7 shows that petitioner no.4 was granted leave from May 5, 2003 to January 30, 2004 and in the case of petitioner no.5 Ext.P9 order was issued granting her leave from April 22, 2002 to January 31, 2003. It is not in dispute that the petitioners had availed of leave to pursue the B.Ed. course of study. Learned counsel submits that the issue is squarely covered in favour of the petitioners in view of the judgment of this court in W.P.(C)26782 of 2006 as well as in

Deepika v. State of Kerala [2007 (1) KLT 71]. It is also brought to my notice that the Government had passed consequential orders following the dictum laid down in the above judgments in the case of some similarly placed teachers. Copy of the said order passed by the Government is on record as Ext.P13.

2. In the above facts and circumstances, writ petition is disposed of with a direction to respondent to reconsider the matter in the light of the judgments referred to above. Therefore, Ext.P14 is quashed. Government shall pass appropriate fresh orders in the matter in accordance with law as expeditiously as possible, at any rate, within three months from the date of receipt of a representation that may be filed by the petitioners within ten days from the date of receipt of a copy of this judgment. Needless to mention that an authorised representative of the petitioners shall be afforded sufficient opportunity to be heard before any decision is taken in this matter.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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